

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 10430/E	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/EP2005/051020	International filing date (day/month/year) 07/03/2005	(Earliest) Priority Date (day/month/year) 12/03/2004
Applicant  TERMOZETA S.P.A.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 07 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

**4. With regard to the title,**

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

**5. With regard to the abstract,**

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

**6. With regard to the drawings,**

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

## Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)

Prepacked serving of coffee powder, particularly for an espresso coffee making machine, comprising a cartridge (1) enclosing a given portion of coffee powder (40), the said cartridge (1) comprising an essentially cylindrical side wall (101) provided at its two ends with a first wall (201) designed to be acted upon by the pressurized hot-water supply means, and with a second wall (301) designed to be acted upon by the brewed coffee dispensing means, the said cartridge (1) being made of an essentially airtight material, and the said wall (301) being continuous and made of a thermoplastic material.

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 B65D81/00 A47J31/40

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 B65D A47J

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 472 719 A (FAVRE ET AL) 5 December 1995 (1995-12-05) column 1, line 4 - column 3, line 41 column 4, line 49 - column 5, line 45; figure 3 -----	1-3,8-10
X Y A	EP 1 364 605 A (SAGLIASCHI, MARCO; MACCHI, GUGLIELMO) 26 November 2003 (2003-11-26) column 3, paragraph 22 - paragraph 24  column 4, paragraph 29 - column 6, paragraph 44 column 6, paragraph 49 - column 7, paragraph 55; figures 1,2,7,8 ----- -/--	1,2,4,5, 8 6,7 9,10

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

27 June 2005

Date of mailing of the international search report

19/07/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Mans-Kamerbeek, M

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 242 702 A (FOND ET AL) 7 September 1993 (1993-09-07)	1
A	column 2, line 11 - line 51 column 5, line 14 - line 40; figures 1-3 -----	8-10
Y	US 2003/172813 A1 (SCHIFFERLE RENE) 18 September 2003 (2003-09-18) page 1, paragraph 1 - paragraph 2 page 2, paragraph 12 - paragraph 15 -----	6,7
A	US 5 948 455 A (SCHAEFFER ET AL) 7 September 1999 (1999-09-07) the whole document -----	

**Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)**

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
  
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☒ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

**Remark on Protest**

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

**FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210**

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-5, 8-10

cartridge and dispensing unit for coffee, where weakened areas in the cartridge and perforating means in the dispensing means act together to provide for supply and dispensing.

1.1. claims: 6,7

cartridge (and dispensing means) where diffusion and channelling means provide the homogeneous brewing of coffee.

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Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5472719	A	05-12-1995	AT 400291 B	27-11-1995
			AU 650064 B2	09-06-1994
			AU 8720191 A	26-05-1992
			BE 1006165 A5	31-05-1994
			CA 2072367 A1	01-05-1992
			CH 682909 A5	15-12-1993
			CH 688686 A5	15-01-1998
			WO 9207775 A1	14-05-1992
			DE 4192762 C2	19-09-2002
			DE 4192762 T	28-01-1993
			DK 85792 A	30-06-1992
			EP 0507905 A1	14-10-1992
			ES 2085823 A1	01-06-1996
			FR 2668451 A1	30-04-1992
			GB 2255494 A ,B	11-11-1992
			IT 1250066 B	30-03-1995
			JP 8032249 B	29-03-1996
			JP 5502817 T	20-05-1993
			LU 88131 A1	15-02-1993
			NL 9120010 A ,B,	01-10-1992
			PT 99373 A ,B	31-01-1994
			SE 513548 C2	02-10-2000
			SE 9201946 A	24-06-1992
EP 1364605	A	26-11-2003	IT MI20021087 A1	21-11-2003
			EP 1364605 A1	26-11-2003
US 5242702	A	07-09-1993	EP 0468078 A1	29-01-1992
			AT 93373 T	15-09-1993
			AU 645327 B2	13-01-1994
			AU 8032791 A	30-01-1992
			BR 9102996 A	18-02-1992
			CA 2046557 A1	28-01-1992
			DE 69002945 D1	30-09-1993
			DE 69002945 T2	20-01-1994
			DK 468078 T3	03-01-1994
			ES 2043196 T3	16-12-1993
			FI 913267 A ,B,	28-01-1992
			JP 2010682 C	02-02-1996
			JP 4236921 A	25-08-1992
			JP 7036801 B	26-04-1995
			MX 174039 B	15-04-1994
			NO 912906 A	28-01-1992
			NZ 238938 A	27-06-1994
			PT 98456 A ,B	31-08-1993
			ZA 9105419 A	29-04-1992
US 2003172813	A1	18-09-2003	DE 10211327 A1	25-09-2003
			AU 2003200627 A1	02-10-2003
			BR 0300554 A	10-08-2004
			CA 2419015 A1	14-09-2003
			CN 1444894 A	01-10-2003
			EP 1344722 A1	17-09-2003
			JP 2003265320 A	24-09-2003
			MX PA03002239 A	22-09-2003
			NZ 524241 A	30-05-2003
			PL 359142 A1	22-09-2003
			SG 102708 A1	26-03-2004

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5948455	A	07-09-1999	EP 0806373 A1	12-11-1997
			AT 205158 T	15-09-2001
			DE 69615001 D1	11-10-2001
			DE 69615001 T2	21-03-2002
			ES 2161964 T3	16-12-2001
			JP 10043055 A	17-02-1998
			PT 806373 T	28-02-2002
			SI 806373 T1	28-02-2002

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PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/EP2005/051020

International filing date (day/month/year)  
07.03.2005

Priority date (day/month/year)  
12.03.2004

International Patent Classification (IPC) or both national classification and IPC  
B65D81/00, A47J31/40

Applicant  
TERMOZETA S.P.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl  
Fax: +31 70 340 - 3016

Authorized Officer

Mans-Kamerbeek, M

Telephone No. +31 70 340-3969



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITYInternational application No.  
PCT/EP2005/051020

AP20 Rec'd PCT/PTO 09 AUG 2006

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Box No. I Basis of the opinion

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material:  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing:  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. IV Lack of unity of invention**

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1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees.
  - ☐ paid additional fees under protest.
  - ☐ not paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
  - ☒ not complied with for the following reasons:  
**see separate sheet**
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
  - ☐ the parts relating to claims Nos.

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	5,6,7
	No: Claims	1-4,8-10
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

PCT/EP2005/051020

AP20 Rec'd PCT/PTO 09 AUG 2006

**Re Item IV.**

The separate inventions/groups of inventions are:

1-5, 8-10

cartridge (and dispensing unit) for coffee, where weakened areas in the cartridge and perforating means in the dispensing means act together to provide for supply and dispensing.

6,7

cartridge for coffee, where diffusion and channelling means provide the homogeneous brewing of coffee.

They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

Claim 1 is known in the prior art.

The first and the second group of inventions do not have a potential special technical feature in common nor do they solve the same problem.

**Re Item V.**

1 Reference is made to the following document:

D1: US-A-5 472 719 (FAVRE ET AL) 5 December 1995 (1995-12-05)

D2: EP-A-1 364 605 (SAGLIASCHI, MARCO; MACCHI, GUGLIELMO) 26  
November 2003 (2003-11-26)

D3: US 2003/172813 A1 (SCHIFFERLE RENE) 18 September 2003 (2003-09-18)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

a prepacked serving of coffee powder, comprising a cartridge enclosing (7) a portion of coffee powder, said cartridge comprising a cylindrical side wall (1) provided at its two ends with a first wall (4) designated to be acted upon by the pressurized hot-water supply means, and with a second wall (2) designated to be acted upon by the brewed coffee dispensing means, said cartridge being made of an essentially airtight material, said wall being continuous and made of a thermoplastic material.

Also D2 discloses the same subject matter.

**3 INDEPENDENT CLAIM 8**

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 8 is not new in the sense of Article 33(2) PCT.

Document D1 discloses:

a dispensing unit which can be used with a prepacked serving of coffee powder according to claim 1, the unit comprising pressurized hot-water supply means, a brewing chamber and dispensing means for dispensing the brewed coffee, whereby said dispensing means comprise perforating means (13, 14) for forming at least one hole in that wall of the cartridge which faces the said means, the lips of said hole forming a seal around the said perforating means until a defined pressure has built up inside the cartridge.

No technical feature of claim 8 ensures the seal between the lips of the hole and the perforating means. It seems therefore that this seal is the result of the combination of the cartridge of claim 1 and the dispensing unit of claim 8, which combination is disclosed in D1.

**4 DEPENDENT CLAIMS 2-7, 9, 10**

Dependent claims 2-5, 9, 10 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

The features of claims 2 and 3 are disclosed in D1. The features of claims 4 and 5 are disclosed in D2. The features of claims 6 and 7 are disclosed in D3.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

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International application No.

**PCT/EP2005/051020**

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